

McEVOY DECL.

EDWARDS ANGELL PALMER & DODGE LLP
Rory J. McEvoy (RM-1327)
Shari A. Alexander (SA-0615)
Attorneys for Defendants
Beth Israel Medical Center
and Continuum Health Partners, Inc.
750 Lexington Avenue
New York, New York 10022
212.308.4411

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

JOSEPH DI GIOVANNA,

Plaintiff,

08 Civ. 02750 (LAK)

-against-

**DECLARATION OF
RORY J. McEVOY**

BETH ISRAEL MEDICAL CENTER, and
CONTINUUM HEALTH PARTNERS, INC.,

Defendants.

-----X

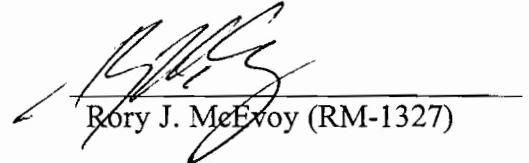
RORY J. McEVOY pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct:

1. I am a member of the firm of Edwards Angell Palmer & Dodge LLP, attorneys for Defendants Beth Israel Medical Center (“BIMC”) and Continuum Health Partners, Inc. (“Continuum”), and I am fully familiar with this proceeding as well as the specific matters set forth herein. I make this declaration in support of Continuum’s motion to dismiss the Complaint against Continuum.

2. Attached as Exhibit 1 is a copy of the Complaint in the above-captioned action, filed on December 10, 2007.

3. Attached as Exhibit 2 is a copy of a letter dated June 3, 2005, offering employment to Plaintiff Joseph Di Giovanna as a Director for the Department of Patient Accounts at Beth Israel Medical Center.

Dated: New York, New York
March 21, 2008



Rory J. McEvoy (RM-1327)

EDWARDS ANGELL PALMER & DODGE LLP
 Rory J. McEvoy (RM-1327)
 Shari A. Alexander (SA-0615)
 Attorneys for Defendants
 Beth Israel Medical Center
 and Continuum Health Partners, Inc.
 750 Lexington Avenue
 New York, New York 10022
 212.308.4411

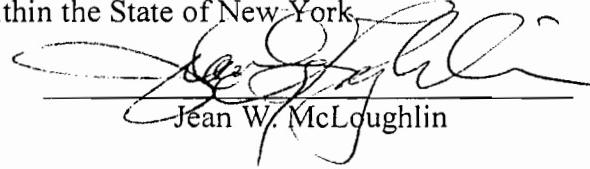
UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

----- X
 JOSEPH DI GIOVANNA, :
 Plaintiff, : 08 Civ. 02750 (LAK)
 -against- : **AFFIDAVIT OF SERVICE**
 BETH ISRAEL MEDICAL CENTER, and :
 CONTINUUM HEALTH PARTNERS, INC., :
 Defendant. :
 ----- X

Jean W. McLoughlin, being duly sworn, deposes and says that she is over the age of eighteen; is not a party to this action; and that on the 21st day of March 2008, she served a true copy of the foregoing MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT CONTINUUM HEALTH PARTNER, INC.'S MOTION TO DISMISS, and NOTICE OF MOTION with accompanying declarations and exhibits annexed thereto upon:

Louis Ginsberg, Esq.
 The Law Firm of Louis Ginsberg, P.C.
 Attorneys for Plaintiff
 1613 Northern Boulevard
 Roslyn, New York 11576

by depositing a true copy of said document enclosed in prepaid, sealed wrapper, properly addressed to the above-named party, in an official depository under the exclusive care and custody of Federal Express, via overnight delivery, within the State of New York.



Jean W. McLoughlin

Sworn to before me this
 21st day of March 2008

Shari Alexander

Notary Public
 SHARI A. ALEXANDER

NOTARY PUBLIC-STATE OF NEW YORK

No. 02AL6144342

Qualified in New York County

My Commission Expires April 24, 2010